

1

2 UNITED STATES DISTRICT COURT

3

Northern District of California

4

5 KALAKE FONUA and KENNETH ASHTON
FONUA,

6

Plaintiff(s),

7

8 CITY OF SAN MATEO, et al.,

9

Defendant(s).

10

No. C 09-05983 MEJ

11

ORDER VACATING CMC

12

**ORDER FOR PLAINTIFFS TO FILE
STATUS REPORT**

13

On March 15, 2010, the Court vacated the April 1, 2010 Case Management Conference and ordered Plaintiffs Kalake Fonua and Kenneth Ashton Fonua to file a status report by April 5, 2010, addressing what steps they have taken since filing their complaint to ensure that all named defendants have been served, and whether they intend to proceed with the prosecution of their case. The Court is now in receipt of the plaintiffs' statement, filed April 5, 2010. (Dkt. #4.) Based on Plaintiffs' statement, it is not clear that the defendants have been properly served. Specifically, under Federal Rule of Civil Procedure 4(c)(2), a person who is not a party must serve the summons and complaint. The proofs of service attached to Plaintiffs' statement are all signed by Plaintiff Kalake Fonua. Accordingly, there is no indication that the defendants have been properly served. Thus, the Court hereby ORDERS Plaintiffs to serve the defendants in accordance with Federal Rule of Civil Procedure 4 and Civil Local Rule 4. Plaintiffs shall complete service of process and file proofs of service by April 29, 2010. The Court encourages Plaintiffs to review the Pro Se Handbook, which provides useful information regarding service of process. The handbook may be obtained at the Clerk's Office or from the Court's website at www.cand.uscourts.gov.

25

IT IS SO ORDERED.

26

27

Dated: April 7, 2010

28


Maria-Elena James
Chief United States Magistrate Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 KALAKE FONUA et al,

6 Plaintiff,

Case Number: CV09-05983 MEJ

7 **CERTIFICATE OF SERVICE**

8 v.

9 SAN MATEO CITY OF et al,

10 Defendant.
11 /

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

12 That on April 7, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Kalake Fonua
17 Kenneth Ashton Fonua
18 2555 Illinois Street
19 East Palo Alto, CA 94303

20 Dated: April 7, 2010

21 Richard W. Wieking, Clerk
22 By: Brenda Tolbert, Deputy Clerk